

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No.

4994

Dated

27/4/2023

Appeal No. 660 / 2022

Inam Ullah Head Constable No 309 Now Constable Police Line
District Police Lakki.

..... appellant

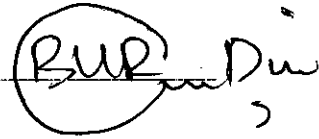
VERSUS

1. District Police Officer Lakki Marwat.
2. Regional Police Officer Bannu.
3. Provincial Police Officer KPK Peshawar.

INDEX

S.No.	Description of documents	Annexure	Pages
3.	Parasite Comments		1-2
4.	Affidavit		3
3.	Authority Letter		4
7.	Order of District Police Lakki	A	5
8.	Demotion List	B	6-7
9.	Demotion Letter	C	8

DEPONENT



**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

Service Appeal No. 660/2022

Inam Ullah Head Constable No. 309, Now Constable Police Line, District Police Lakki Marwat.....Appellant.

VERSUS

- 1. District Police Officer, Lakki Marwat.
- 2. Regional Police Officer, Bannu, Region Bannu.
- 3. Provincial Police Officer, KP, Peshawar.

.....Respondents.

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

- 1. That the appellant has no cause of action and locus standi.
- 2. That the appeal of appellant is not maintainable under the law and rules.
- 3. That the appeal is bad due to non-joinder and mis-joinder of necessary and proper parties.
- 4. That the appellant has approached the Honorable Tribunal with unclean hands.
- 5. That the appellant does not possess the required qualification for promotion.

REPLY ON FACTS

- 1. Related to court, Hence needs no comments.
- 2. Related to record. Hence needs no comments.
- 3. In-Correct: The appellant was rightfully demoted from the rank of Head Constable to the rank of constable vide order dated 30.04.2021 by R- No.01, and this order was in compliance of the apex courts Judgments reported as (2013 SCMR 1752, 2015 SCMR 456 and 2017 SCMR 206), the monthly salaries of Head Constable has been recovered from the appellant.
- 4. In-Correct: No representation was entertained.
- 5. In-correct: and misleading, the process of implementation has again been initiated on the fresh direction of the Apex Court in Crl.cp No.38/22 in CP No.381-P/2020 title Govt of KP VS Amjad Khan and others dated 13-10-2020.(Order sheet and letter No. 6743 enclosed).




REPLY ON GROUNDS:


- A. Pertaining to record, Hence needs no comments.
- B. In-correct: A committee was constituted to check the record and put up the cases of out of turn promotions in District Lakki Marwat, which is (**annexed as "A"**) as a result the said order was issued, which is (**annexed as "B"&C**).
- C. This is the part of duty, Hence needs no comments.
- D. In-correct: The demotion of the applicant was the part of legal justification, and officials who have got out of turn promotion were demoted to lower ranks throughout Khyber Pakhtunkhwa.
- E. The applicant got the salaries of Head Constable when he was Head Constable, and when demoted to constable he takes the salary of constable.
- F. In-correct: The demotion order of the applicant is according to rules and implementation of the apex court orders.

PRAYER:-

It is humbly requested that the appeal may be dismissed, please.


Regional Police Officer,
Bannu Region, Bannu.
 (Respondent No. 2)


Inspector General of Police,
KPK, Peshawar.
 (Respondent No.3)


District Police Officer,
Lakki Marwat.
 (Respondent No.1)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
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Service Appeal No. 660/2022

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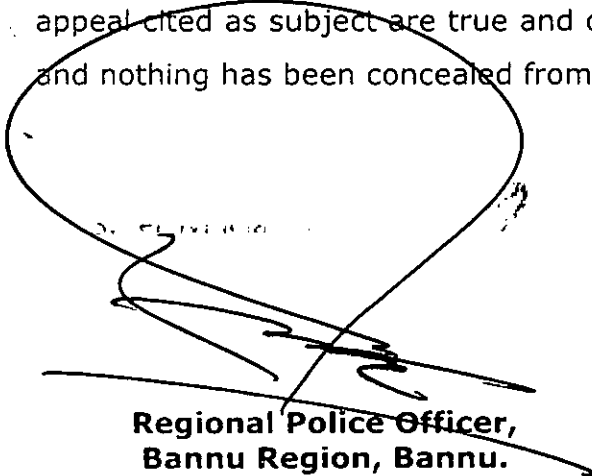
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.....Respondents.

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.



**Regional Police Officer,
Bannu Region, Bannu.**
(Respondent No. 2)



**Inspector General of Police
KPK, Peshawar.**
(Respondent No.3)



**District Police Officer,
Lakki Marwat.**
(Respondent No.1)

4

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

Service Appeal No. 660/2022

Inam Ullah Head Constable No. 309, Now Constable Police Line, District Police Lakki Marwat.....Appellant.

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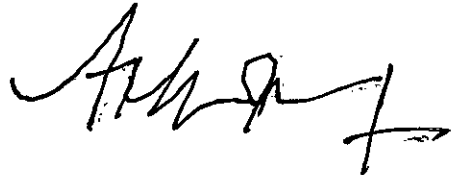
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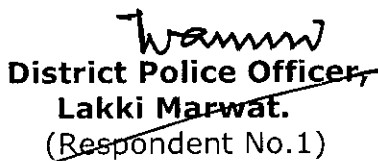
.....Respondents.

AUTHORITY LETTER.

Mr. **Burhan Ud Din** Inspector Legal Branch, (Police) Lakki Marwat is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


**Regional Police Officer,
Bannu Region, Bannu.**
(Respondent No. 2)


**Inspector General of Police,
KPK, Peshawar.**
(Respondent No.3)


**District Police Officer,
Lakki Marwat.**
(Respondent No.1)



(3)


(A)

94

ORDER

A committee comprising of the following members is hereby constituted to check the record and put up cases of out of turn promotions in District Lakki Marwat. The committee shall check the record and put up recommendations within two days positively.

1. SP Investigation, Lakki Marwat
2. DSP/Hqrs, Lakki Marwat
3. SDPO/Naurang
4. Head Clerk
5. SRC
6. OHC


District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT

No. 6743-SP Dated Lakki Marwat the 13-10 /2020

- Copy of above is submitted for favour of information to:-
1. The Regional Police Officer, Bannu Region, Bannu.
 2. All concerned for necessary action.


BURUNDI

Dated 30/04/2021

2873/ Demotion: In the light of CPO Peshawar letter No.CPO/CPB/264 dated 06.10.2020, letter No.CPO/CPB/188 dated 26.04.2021, RPO Bannu Region, Bannu Order Endst: No.1507-11/EC dated 27.04.2021 and judgment of Apex Supreme Court of Pakistan, whereby out of turn promotion have been declared as illegal, unconstitutional, un-Islamic and null and void being in conflict with the constitution and also un-Islamic in a number decisions rendered by the apex court in the year 2013, 2017 and 2018. The following Police Officials of District Police Lakki Marwat, being beneficiaries of acceleratory promotion in different categories are hereby demoted to the rank as mentioned against their names:

CADETS

S.No	Name, Rank & No.	Demoted to the rank of	Fixing Seniority with their Batch Mates
1.	HC Waqas Khan No.612	LHC	His name is placed with his colleagues of Lower College Course for the term ending 30.11.2016
2.	HC Wasim No.26	Constable	-
3.	LHC Nighat Bibi No.494	Constable	-

PPM

S.No	Name, Rank & No.	Fixing Seniority with their Batch Mates
1.	IHC Muhammad Alam No.	Fixed his seniority with colleagues of Intermediate college course with IHC Mashoom Jan and IHC Hamid Ullah

GALLANTRY PERFORMANCE

S.No	Name, Rank & No.	Demoted to the rank of
1.	HC Ikram Ullah Jan No.116	Constable

PROMOTED AS TEMPORARY HC BY COMMANDANT FRP

S.No	Name, Rank & No.	Demoted to the rank of
1.	HC Inam Ullah No.267	Constable
2.	HC Tariq Iqbal No.725	Constable

QUALIFIED LOWER COLLEGE COURSE WITHOUT PASSING B-I EXAM

S.No	Name, Rank & No.	Demoted to the rank of
1.	HC Sadullah No.B	Constable
2.	HC Noor Aslam No.395	Constable

OB No. 257/1
Dated 30/04/2021

District Police Officer
Lakki Marwat

BURDIN

No. 2874-73/

Copy of above is submitted for favour of information to:

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r CPO Peshawar letter No. quoted above.
2. The Regional Police Officer, Bannu Region, Bannu w/r to his Order Endst: No. quoted above.
3. EC, PO & OHC for information and necessary action.

District Police Officer
Lakki Marwat

COMMITTEE REPORT RECOMMENDATIONS WITH REGARDS TO DEMOTION OF OUT OF TURN PROMOTION

In compliance with the directions/instructions with regard to the implementation of judgment of Apex Supreme Court of Pakistan, pertains to C-1 of turn promotion in the light of 56th Police Policy Board meeting vide CPO Peshawar letter No.62/PA/DIG Hqs: dated 12.10.2020, letter No CPO, C/P/264 dated 06.10.2020, Right of Police Officer, Bannu Region, Bannu Order Endst: No.3440-42/EC dated 07.10.2020, the cases of the following Police officers, out of turn promotees of District Lahore, Marwat after thoroughly examination, are hereby recommended for demotion/fix the seniority from accelerated out of turn promotion on the reasons as set out against their names:-

On demotion the names of the said Police Officials are also recommended to be placed with their colleagues on the basis of their inter-se-seniority.

S.No	Name & Rank	Reason of out of turn promotion	Rank at the time of promotion	Present rank	Rank of the batchmates	Promotion Process	Recommendation
1.	HC Hamid Ullah Jan No 1327	Active performance	Constable	Head Constable	Still Constables	One step promotion as HC by DPC on 31.05.2012 on active performance/duty	Revert to the substantive rank of Constable with his colleagues
2.	HC Waqas Khan No.812	Best Cadet in Lower College Course	Constable	Head Constable	Still LHCs LHC Ibrahim LHC Gul Amin	Promoted as HC on cadetship in Lower College Course term end 30.11.2016	Revert to the rank of C-1 Constable and his name may be placed with his colleagues of lower college course for the term ending 30.11.2016
3.	HC Inam Ullah No 267	Nil	Constable	Head Constable	Still Constables	Promoted as Temporary HC by Commandant FRP KPK on 02.09.2009	Revert to the substantive rank of Constable with his colleagues
4.	HC Tariq Iqbal No.725	Nil	Constable	Head Constable	Still LHCs LHC Qudrat Ullah LHC Rehmat Ullah	Promoted as temporary HC by Commandant FRP KPK on 16.08.2013	Revert to the rank of C-1 Constable and his name may be placed with his colleagues of lower college course for the term ending 31.11.2014
5.	HC Wasim No.26	Best cadet in recruit course	Constable	Head Constable	Still Constables	Join Lower College Course term end 20.03.2013 on Cadetship in recruit course term end 20.06.2011 without passing A-I & B-I	His lower college course certificate may be withdrawn and also revert to the substantive rank of Constable with his colleagues
6.	IHC Muhammad Alam No	Gallantry Award PPM	Constable	Head Constable	Still IHCs IHC Masoom Jan IHC Hamid Ullah	Promoted to the rank of HC on gallantry award of PPM on 26.10.2010	Fix his seniority with colleagues of intermediate college course
7.	Driver HC Khan Zaman No.723	Nil	Constable	Driver Head Constable	Still Constables	Promoted to the rank of Driver HC without DPC/Seniority-cum-fitness on 12.06.2008	Revert to the rank of Driver Constable with his colleagues

BUR Din
3

S.No Name, Rank & No.

Demoted to the rank of

7

268

S-157C-M-4, Lakki 2017

LHC Rafi Ullah No.187	Served as 3 years Drill Instructor in PTC Hangu	Constable	LHC	Still Constables	Promoted as temporary HC by Commandant FRP KPK on 16.08.2013. Later on, he was promoted to the rank of ASI by PTC Hangu under PTC Manual rule 87 & 88 on dated 10.12.2015 and reverted back to Head Constable on 28.09.2016. He join lower course on 11.10.2017 on completion of 3 years as Drill instructor in PTC Hangu without passing A-I & B-I. He was repatriated to FRP Bannu wherein he was reverted to the rank of Constable.	His lower college course certificate may be withdrawn and also revert to the substantive rank of Constable with his colleagues
LHC Nighat Bibi No.494	Best cadet in recruit course	Constable	LHC	Still Constables	Join Lower College Course on Cadetship in recruit course term end 20.12.2014 without passing A-I & B-I	Her lower college course certificate may withdraw and also revert to the substantive rank of Constable with her colleagues

Mr. Azmat Khan DSP/ Hqr. Lakki

Mr. Muhammad Iqbal Mohmand SDPO/NAURANG

Mr. Ghulam Muhammad Head Clerk

Mohammed Shozib SRC

HC Imtiaz Khan OHC Lakki

Mr. Gul Nasib Khan
Superintendent of Police, Investigation
Lakki Marwat

S.No	Name, Rank & No.	Demoted to the rank of
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